UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

FIFTH COMMITTEE
53rd meeting
held on
Tuesday, 2 April 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. VILCHEZ-ASHER (Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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Distr. GENERAL
A/C.5/50/SR.53
29 April 1996
ENGLISH
ORIGINAL: SPANISH

96-80451 (E)

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 136: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/C.5/50/41)

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1. Mr. TAKASU (Controller) said that four months earlier the Secretary-General had submitted his report on the financing of the International Criminal Tribunal for the Former Yugoslavia for 1996 (A/C.5/50/41), but that the relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions had not yet been received. The report estimated that the requirements for 1996 would amount to approximately $40.7 million.

2. In December 1995, since the Advisory Committee's report had not been available, the General Assembly had decided to authorize the Secretary-General to enter into commitments for the period between 1 January and 31 March 1996 in the amount of roughly $8.6 million and to apportion assessments among Member States for that amount, so that the Tribunal could continue carrying out its important activities.

3. In the hope that the Fifth Committee would have the recommendations of the Advisory Committee in May, the General Assembly ought for the moment to authorize the appropriation of roughly $6.6 million to cover the Tribunal's costs in April and May. The established practice was to finance 50 per cent of the Tribunal's costs from assessments determined in accordance with the scale of assessments for the regular budget, and the other 50 per cent from the available balance for peace-keeping operations in the Former Yugoslavia. Given the high amount of unpaid assessments, the question of apportionment of assessments should also be considered.

4. The Tribunal was at a very important stage in its activities, and steps must therefore be taken to finance it, even if the method was unsatisfactory.

5. With regard to voluntary contributions, more than $6.3 million in cash contributions had been received to date. Also, States had made contributions by lending staff, who had provided indispensable services to the Tribunal in connection with the preparatory investigation of cases. Those extrabudgetary resources had been used to supplement the activities financed from the assessments, by paying costs such as those of witness protection and support and establishing a research library and electronic filing system.

6. The estimates for the financing of the International Tribunal for Rwanda for 1996 were to be found in the relevant report of the Secretary-General (A/C.5/50/54) and amounted to $38.7 million. In December 1995, the General Assembly had approved the appropriation of funds for the first trimester of 1996 totalling roughly $7.6 million, and the apportionment of assessments in that amount, which had made it possible basically to finance start-up activities.

7. In view of the fact that the Advisory Committee's recommendations regarding the estimated expenses for the continued operation of the International Tribunal had also not been received, the General Assembly had to approve funding for the months of April and May. The estimates for those months included construction costs and the renovation of the Tribunal's facilities and detention cells, amounting to roughly $12.3 million, a sum that was much higher than would normally be the case for a two-month period.

8. As to the financial situation of the Special Account for the Tribunal, unpaid assessments amounted to $3.8 million. The assumption had been that the current funding system would be maintained, namely, 50 per cent of the total would be covered from assessments and the other 50 per cent would be transferred from the budget balance of the United Nations Assistance Mission for Rwanda (UNAMIR).

9. Voluntary contributions had been received from some States in the form of loans of staff and in-kind contributions, as well as cash contributions to the Trust Fund in the amount of $5.1 million, which would be used to fund specific projects like the witness protection plan and the leasing of an airplane for trips between Arusha and Kigali.

10. Mr. SCOTTI (France) said that his delegation was troubled by the fact that it was necessary to follow such a procedure in such an important matter.

11. In December, France had agreed to the authorization of an appropriation of funds for three months to finance the two Tribunals, but it had been hoping that the Advisory Committee's recommendations would now be available. Although it would not stand in the way of consensus, it regretted the failure of the Advisory Committee to submit its reports and hoped that in May the Fifth Committee would have before it all the pertinent documentation and would have enough time to review it.

12. The CHAIRMAN suggested that, since all that was required was the authorization of the appropriation of funds to cover two months of operation by the Tribunals, the Committee should take a decision in that connection at the next meeting on the basis of a draft decision submitted orally.

13. It was so decided.

The meeting rose at 10.35 a.m.